

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Benjamin Shelton	Team: Squad #11	CCRB Case #: 202105030	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Monday, 08/16/2021 10:30 AM	Location of Incident: § 87(2)(b) § 87(2)(b)	Precinct: 30	18 Mo. SOL 2/16/2023	EO SOL 2/16/2023	
Date/Time CV Reported Mon, 08/16/2021 12:09 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Sun, 08/22/2021 7:03 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POF Nadyne Dimmie	30855	968378	030 PCT
2. SGT Miguele Amoresano	00076	924884	030 PCT
3. DI Jonathan Korabel	00000	930498	030 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. PO Rajesh Sharma	17427	959228	030 PCT
2. PO Rozenbenz Jeanpaul	03118	970620	030 PCT
3. DTS Awilda Carrasco	07019	940916	030 PCT
4. PO Aizah Ahmed	25951	963839	030 PCT
5. PO Paul Altaro	19082	958235	030 PCT
6. PO Isaac Acosta	16660	963835	030 PCT
7. PO Yorky Burgos	02886	970432	030 PCT
8. DT3 Edward Raso	03927	951117	030 PCT
9. DTS Matthew Meister	04410	952001	ESS 02
10. SGT Corey Martinez	02146	935257	ESS 02
11. DTS Ethan Erlich	07638	928254	ESS 02
12. DTS Michael Mcinnis	04406	940454	ESS 02
13. DTS Lucas Wong	03165	945110	ESS 02

Officer(s)	Allegation	Investigator Recommendation
A.SGT Miguele Amoresano	Abuse: Sergeant Miguele Amoresano entered § 87(2)(b) in Manhattan.	
B.SGT Miguele Amoresano	Force: Sergeant Miguele Amoresano pointed his gun at § 87(2)(b)	
C.POF Nadyne Dimmie	Force: Police Officer Nadyne Dimmie used a non-lethal restraining device on § 87(2)(b)	
D.SGT Miguele Amoresano	Force: Sergeant Miguele Amoresano used a non-lethal restraining device on § 87(2)(b)	
E.SGT Miguele Amoresano	Force: Sergeant Miguele Amoresano pointed his gun at § 87(2)(b)	

Officer(s)	Allegation	Investigator Recommendation
F.SGT Miguele Amoresano	Force: Sergeant Miguele Amoresano pointed his gun at § 87(2)(b)	
G.DI Jonathan Korabel	Abuse: Deputy Inspector Jonathan Korabel entered § 87(2)(b) in Manhattan.	
H.DI Jonathan Korabel	Abuse: Deputy Inspector Jonathan Korabel searched § 87(2)(b) in Manhattan.	
I.SGT Miguele Amoresano	Abuse: Sergeant Miguele Amoresano entered § 87(2)(b) in Manhattan.	
J.SGT Miguele Amoresano	Abuse: Sergeant Miguele Amoresano searched § 87(2)(b) in Manhattan.	

Case Summary

On August 16, 2021, § 87(2)(b) filed this complaint over the phone with IAB, generating log 21-18106. On August 22, 2021, the CCRB received this complaint.

On August 16, 2021, at approximately 10:30 a.m., § 87(2)(b) and § 87(2)(b) were inside their shared residence at § 87(2)(b) in Manhattan. 30th Precinct officers Sgt. Miguele Amoresano and PO Nadyne Dimmie arrived, and Sgt. Amoresano pushed open the ajar door (**Allegation A: Abuse of Authority**, § 87(2)(g)). He reached his firearm inside the apartment and pointed it at § 87(2)(b) (**Allegation B: Force**, § 87(2)(g)). PO Dimmie fired her taser at § 87(2)(b) with additional charges made under Sgt. Amoresano's instructions (**Allegation C: Force, miscellaneous** – § 87(2)(g)) (**Allegation D: Force**, § 87(2)(g)). Sgt. Amoresano continued pointing his firearm inside the apartment including at § 87(2)(b) and § 87(2)(b) (**Allegations E and F: Force**, § 87(2)(g)). § 87(2)(b) and § 87(2)(b) exited the apartment, with § 87(2)(b) arrested and transported for processing, and ESU eventually arrived to clear the apartment and remove § 87(2)(b) to a hospital. Following ESU's clearing of the apartment, 30th Precinct officers Capt. Jonathan Korabel and Sgt. Amoresano entered the apartment (**Allegations G to J: Abuse of Authority**, § 87(2)(g)).

§ 87(2)(b)
§ 87(2)(b)

Video evidence for this case was obtained via the NYPD's Legal Bureau from the body-worn cameras (BWC) assigned to 30th Precinct officers PO Dimmie, Sgt. Amoresano, PO Rajesh Sharma, PO Rozenbenz Jeanpaul, Det. Awilda Carrasco, PO Paul Altaro, PO Aizah Ahmed, PO Isaac Acosta, PO Yorky Burgos, and Det. Edward Raso, and ESU officers Det. Matthew Meister, Sgt. Corey Martinez, Det. Ethan Erlich, Det. Michael McInnish, and Det. Lucas Wong (BR 02).

Capt. Korabel was promoted to Deputy Inspector following this incident and will be referred to by his rank at the time of the incident for this report.

Findings and Recommendations

Allegation A – Abuse of Authority: Sergeant Miguele Amoresano entered § 87(2)(b) **in Manhattan.**

Allegation B – Force: Sergeant Miguele Amoresano pointed his gun at § 87(2)(b)

Allegation E – Force: Sergeant Miguele Amoresano pointed his gun at § 87(2)(b)

Allegation F – Force: Sergeant Miguele Amoresano pointed his gun at § 87(2)(b)

Footage from PO Dimmie's BWC, first of two files, addresses events just prior to these allegations as well as the allegations themselves (BR 26). The durational timestamp will be referenced. At 0:55, PO Dimmie arrives on the corner of Broadway and § 87(2)(b), approximately half a block from the incident location where they meet an alleged stabbing victim. He holds the left side of his neck with fabric or other material. There is blood on it. Officers tell him to sit and keep pressure on his neck. The victim states his ID is "upstairs." Officers ask what happened and § 87(2)(b) states that his uncle stabbed him at § 87(2)(b). At 1:30, Sgt. Amoresano arrives. At 2:20, PO Dimmie and Sgt. Amoresano walk to the apartment. The victim provides no information confirming or denying potential other § 87(2)(b). At 2:45, an officer identifies the perpetrator as § 87(2)(b) over the radio. At 3:30, PO Dimmie and Sgt. Amoresano enter the building. They go in an elevator upstairs to § 87(2)(b) and find the door ajar. Sgt. Amoresano uses his leg to open the door and finds § 87(2)(b) directly in front of him. § 87(2)(b) becomes agitated and uses profanity in protesting the officers' presence at the

door. At 4:55, after Sgt. Amoresano and PO Dimmie establish contact with the residents of the apartment, there appears to be blood on the door jamb and wall of the hallway inside the apartment. At no point in any of the available footage is PO Dimmie depicted handling a firearm.

Footage from Sgt. Amoresano's BWC addresses these allegations (BR 27). The durational timestamp will be referenced. At 0:40, Sgt. Amoresano exits an elevator with PO Dimmie and turns to § 87(2)(b). The door is ajar. Sgt. Amoresano approaches the door with his firearm pointed ahead. At 0:47, he appears to push the door open further with his foot. Sgt. Amoresano points his firearm inside the apartment. § 87(2)(b) visible in the hallway in front of the door, states, "Don't point your fucking gun at me." Sgt. Amoresano and PO Dimmie order him to show his hands and get on the floor. Sgt. Amoresano continues pointing his firearm inside the apartment and past the threshold of the door throughout much of the incident. § 87(2)(b) moves into a room off the hallway approximately 10 feet from the door and does not leave or comply with officers' orders until ESU eventually arrive. At 1:40, § 87(2)(b) is heard asking officers what they are doing. At 2:14, § 87(2)(b) is depicted in the back of the hallway as Sgt. Amoresano points his firearm at him. Officers issue him multiple commands to show his hands and get on the floor. At 2:28, with his firearm still pointed inside, Sgt. Amoresano states, "Ma'am, get on the floor. As Sgt. Amoresano and PO Dimmie continue issuing instructions to the three residents, he continues pointing his firearm inside and down the hallway. At 9:43, § 87(2)(b) finally exits the apartment and is handcuffed. At 13:18, § 87(2)(b) is brought to the door next to Sgt. Amoresano to help convince § 87(2)(b) to exit, which she does at 14:16. Sgt. Amoresano remains at the doorway with his firearm drawn and pointed within. At 26:10, ESU officers arrive at the door at which point Sgt. Amoresano appears to holster his firearm and moves away from the apartment.

§ 87(2)(b) was in the bathroom when he heard the front door of the apartment opened by Sgt. Amoresano (BR 03). He believed the door was fully shut though unlocked. He observed Sgt. Amoresano and PO Dimmie with their feet in the doorway and their arms reaching inside the apartment holding their firearms and aiming it within the apartment at all residents.

§ 87(2)(b) was not present for the incident, arriving on scene following these allegations (BR 04). § 87(2)(b) did not cooperate with the investigation in providing a verified statement.

§ 87(2)(b) was not contacted for a statement as the investigation was informed by multiple parties that she suffers from a cognitive-memory disorder.

Sgt. Amoresano § 87(2)(g) He observed, in addition to that inside the apartment, blood droplets leading from the common hallway to the front door of the apartment. He could not tell if the blood was dry or wet, its hue, or how recent it appeared. Due to the victim's demeanor and behavior outside, holding fabric against an open bleeding wound and appearing to lose consciousness, Sgt. Amoresano believed the stabbing occurred just recently. Sgt. Amoresano pushed the apartment door further open since he observed blood and he wanted to make sure there were no other victims inside as well as to investigate the crime and arrest § 87(2)(b) if feasible. When Sgt. Amoresano observed § 87(2)(b) then § 87(2)(b) and § 87(2)(b) he did not know who they were, if they were the alleged stabber or otherwise involved in the stabbing and did not know if the stabbing implement or other weapon was readily available to anyone so, due to those reasons, Sgt. Amoresano drew his firearm as he approached the apartment and pointed it into the apartment and at each of the three residents. Sgt. Amoresano noted that none of the three residents initially complied with any orders by officers including to show their hands. Sgt. Amoresano continuously aimed his firearm into the apartment until ESU arrived, after § 87(2)(b) and § 87(2)(b) were removed from the apartment, due to the aforementioned safety reasons and § 87(2)(b)'s continuous non-compliance and refusal to leave the room in which he entered.

Police may enter a residence without a warrant if "confronted with an immediate need to provide aid or assistance to a possibly injured individual" People v. Doll, 98 A.D.3d 356 (2012) (BR 06). It has ruled that officers' entry into a building where an armed person had reportedly gone

was permissible under the emergency exception, so that the officers could look for any injured or armed persons People v. Gibson, 117 A.D.3d 1317 (2014) (BR 07).

The decision to draw a firearm should be based on an articulable belief that the potential for serious physical injury is present and will holster their firearm as soon as practicable when the potential for serious physical injury is no longer present NYPD Patrol Guide Procedure 221-01 (BR 08).

Sgt. Amoresano was one of the first two officers at the incident location where a victim, bleeding openly, had just identified the perpetrator to be and the location where the perpetrator could be found. There was observable blood inside the apartment, on the wall near the initially ajar door, as well as potentially in the common corridor. § 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

Allegation C – Force: Police Officer Nadyne Dimmie used a non-lethal restraining device on

§ 87(2)(b)

Allegation D – Force: Sergeant Miguele Amoresano used a non-lethal restraining device on

§ 87(2)(b)

Footage from PO Dimmie's BWC, first of two files, addresses events just prior to these allegations as well as the allegations themselves (BR 26). The durational timestamp will be referenced. At 4:50, after Sgt. Amoresano opens the apartment door, he and PO Dimmie issue multiple orders to § 87(2)(b) standing several feet in front of the door inside the apartment, to show his hands and to get on the floor. PO Dimmie takes her taser out and points it toward § 87(2)(b) with a visible red dot. § 87(2)(b) makes no movements to comply, telling officers not to point their guns at him. At 5:08, § 87(2)(b) takes a step toward officers. Officers continue telling him to show his hands as PO Dimmie threatens to tase him if he does not comply. § 87(2)(b) keeps his arms swinging by his side. At 5:19, § 87(2)(b) takes another step toward officers. PO Dimmie deploys her taser prongs toward § 87(2)(b). As she audibly charges it, § 87(2)(b) turns around and walks a few feet to a room on the right and enters it. It appears at least one prong attached to § 87(2)(b) does not exit the room as officers tell him to exit the bedroom, get on the floor, and show his hands, throughout the rest of their interaction with him. At 5:35, Sgt. Amoresano tells PO Dimmie to tase him again and a charge is audible. At 7:18, Sgt. Amoresano tells PO Dimmie to tase him again and a prong deployment with a charge is audible. At 7:43, Sgt. Amoresano tells PO Dimmie to tase him again and a charge is audible.

§ 87(2)(b), § 87(2)(g)

§ 87(2)(g)

§ 87(2)(b). Sgt. Amoresano was not sure if the prongs initially hit § 87(2)(b) but the taser did not have the intended effect of incapacitating § 87(2)(b) to achieve compliance. Sgt. Amoresano ordered PO Dimmie multiple times to charge § 87(2)(b) again

with her taser but they seemed to have no effect. He did not recall exactly how many times or for how long each time PO Dimmie charged her taser. He told her to do so to continue to try and gain compliance and get § 87(2)(b) to exit safely. Sgt. Amoresano was concerned § 87(2)(b) could exit the room with a weapon. PO Dimmie deployed taser prongs a second time, but Sgt. Amoresano was not sure if PO Dimmie observed him again or if the prongs hit him, but § 87(2)(b) still did not comply or change his demeanor.

PO Dimmie resigned from the NYPD on July 15, 2022 and was thus unavailable for interview (BR 09).

Threat, Resistance, and Injury (TRI) document TACT-2021-030-000029-1, completed by PO Dimmie and reviewed by Sgt. Amoresano, reported that she used her taser due to a perceived potential for § 87(2)(b) to be carrying a weapon as well as to overcome his resistance while defending herself and other officers (BR 10). Only one prong penetrated § 87(2)(b) in his lower front abdomen, when deployed from approximately 10 feet away.

The AXON taser information sheet for PO Dimmie's assigned taser notes that she first triggered her taser during this incident at timestamp 10:32:18 for five seconds, then proceeded to trigger her taser at 10:32:36 for five seconds, 10:34:19 for five seconds, 10:34:27 for five seconds, and 10:34:44 for five seconds (BR 11).

A taser should only be used against persons who are actively resisting, exhibiting active aggression, or to prevent individuals from physically injuring themselves or others present (BR 12). In considering the appropriateness of using a taser, factors including but not limited to the following must be considered: the nature and severity of the crime/circumstances, actions taken by subject and the duration of those actions, immediacy of perceived threat or harm, any active resistance or flight by the subject, and number and age/condition of subjects in comparison to officers. When appropriate, officers should issue a verbal and/or laser warning. The recommended point of aim is the torso below the chest for frontal discharges. Officers should charge their tasers for cycles of five seconds following deployment while constantly assessing the situation to determine if subsequent cycles are necessary NYPD Patrol Guide Procedure 221-08.

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

Allegation G – Abuse of Authority: Deputy Inspector Jonathan Korabel entered § 87(2)(b) in Manhattan.

Allegation H – Abuse of Authority: Deputy Inspector Jonathan Korabel searched § 87(2)(b) in Manhattan.

Allegation I – Abuse of Authority: Sergeant Miguele Amoresano entered § 87(2)(b) in Manhattan.

Allegation J – Abuse of Authority: Sergeant Miguele Amoresano searched § 87(2)(b) in Manhattan.

Footage from Sgt. Martinez's BWC addresses these allegations (BR 28). The durational timestamp will be referenced. At 1:40, Sgt. Martinez, after he and his fellow ESU officers respond to the location to clear the apartment and remove § 87(2)(b) from within, enters with other members of ESU. At 2:30, Sgt. Martinez exits the apartment followed by the handcuffed § 87(2)(b).

§ 87(2)(b) as other ESU officers remain in the apartment. Sgt. Martinez calls for “patrol.” At 3:22, Capt. Korabel is visible issuing instructions to patrol officers to attend to § 87(2)(b). He remains visible near Sgt. Martinez as patrol officers ready § 87(2)(b) to leave the scene. At 4:10, Capt. Korabel steps further into the hallway and thanks ESU. He follows Sgt. Martinez toward the door and asks if the apartment is clear. Sgt. Martinez tells him that his team is clearing the apartment now.

Footage from Det. Meister’s BWC also addresses these allegations (BR 29). The durational timestamp will be referenced. At 6:00, Det. Meister and other ESU officers leave after checking all rooms of the apartment. Capt. Korabel is initially depicted in the hallway but by 6:50, he is no longer visible, and it appears that he entered the apartment. At 7:25, an officer states “the captain” is in the apartment.

In no available footage is ESU depicted within the apartment with Capt. Korabel nor returning inside after their initial clearance.

Footage from Sgt. Amoresano’s BWC also addresses these allegations (BR 27). The durational timestamp will be referenced. At 1:11:20, ESU leave the apartment and Sgt. Amoresano enters. Capt. Korabel is depicted within the apartment, apparently alone before Sgt. Amoresano enters. He states he sees a knife in the hallway. Capt. Korabel and Sgt. Amoresano both walk around the entire apartment for several minutes before exiting.

Capt. Korabel stated the purpose of ESU’s presence on scene was to remove § 87(2)(b) from the apartment and to clear it by ensuring there were no other victims or people inside and no safety hazards for anyone inside the apartment (BR 13). He did not observe any actions ESU took inside and could not speak to their specific actions. After ESU exited the apartment again, at least one member of ESU whom Capt. Korabel did not specifically recall conducted a walkthrough in the apartment with Capt. Korabel to explain what they encountered. This was done to assist patrol and detectives later with information that may be pertinent to any subsequent investigation. He did not recall the specifics of that walkthrough. Initially, Capt. Korabel also said he entered following ESU’s exit to make sure there were no other victims and to ensure all safety risks are removed, but when asked on follow-up, did not recall if that was part of his intentions in entering. Capt. Korabel only could confirm he entered for the investigative walkthrough. When asked why patrol officers went in following ESU clearing the apartment, if a reason was to check for other people (victims, perps, safety risk, or other), Capt. Korabel explained that patrol is responsible for securing that location in order to freeze it for a search warrant and that, in addition to investigative walkthrough, may be necessary to conduct a secondary sweep following ESU’s in case there were additional observations not made by ESU. While inside, Capt. Korabel did not perform any search other than potentially a protective sweep that he did not recall. After exiting the apartment, Capt. Korabel coordinated officers to freeze the apartment until a search warrant was obtained and executed later that day. When presented the above-referenced footage from Det. Meister’s BWC, he noticed that he was only depicted in the earlier portion and did not know if he was in the apartment at any point. He heard ESU officers discuss a Captain who was inside the apartment, did not know if it referred to him but was not aware of any other Captains on scene, and could not confirm if he was inside the apartment. He could not confirm if any ESU officer was inside at that point. When presented the above-referenced footage from Sgt. Amoresano’s BWC, he observed himself inside the apartment. He could not confirm if there were any ESU officers inside at that point or just prior. He stated the aforementioned investigative walkthrough and other potential safety purposes would be the same regardless of ESU’s presence.

Sgt. Amoresano requested ESU to the scene because there were multiple rooms that officers could not see into from the doorway, including the one in which § 87(2)(b) was and he was not sure if other victims were inside. ESU was needed to clear to clear the residence for potential other victims and remove all people from the apartment as they are trained ostensibly to enter and clear apartments. Once ESU arrived, they took command of the doorway and proceeded to enter and exit with § 87(2)(b) in handcuffs. Sgt. Amoresano was sure they cleared the

Absent consent or exigent circumstances, officers may not make a warrantless entry into a given premises in which an individual has a legitimate expectation of privacy Payton v. New York, 445 U.S. 573 (1980) (BR 14). A protective sweep, also known as a security check, is “a very quick and limited pass through the premises [by officers] to check for third persons who may destroy evidence or pose a threat to the officers” People v. Green, 103 A.D.2d 362 (1984) (BR 15). The scope of the sweep may be no broader than to protect the police officer from the perceived danger People v. Cornielle, 172 A.D.2d 681 (1991) (BR 16).

[REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]

_____.

[illegible]

- CCRB Case # 202105030**

- § 87(2)(g) [REDACTED]
- PO Dimmie resigned from the NYPD following this incident (see officer history). She was subject in one other complaint of one other allegation which is currently still open. PO § 87(2)(g) [REDACTED].
- Capt. Korabel has been a member-of-service for 20 years and has been a subject in four other CCRB complaints and nine other allegations, none of which were substantiated (see officer history). § 87(2)(g) [REDACTED]

Mediation, Civil, and Criminal Histories

- This complaint was not suitable for mediation.
- On October 5, 2022, a FOIL request for any related Notices of Claim was submitted with the New York City Office of the Comptroller and will be added to the case file upon receipt (BR 21).
- § 87(2)(b) [REDACTED]
- § 87(2)(b) [REDACTED]
- § 87(2)(b) [REDACTED]
- § 87(2)(b) [REDACTED]

Squad: 11

Investigator: <u>Benjamin Shelton</u>	<u>SI Benjamin Shelton</u>	<u>10/05/2022</u>
Signature	Print Title & Name	Date

Squad Leader: <u>Edwin Pena</u>	<u>IM Edwin Pena</u>	
10/06/2022 Signature	Print Title & Name	Date

Reviewer: _____		
Signature	Print Title & Name	Date